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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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EXAMINER

CHRISTMAN, KATHLEEN M

ART UNIT

PAPER NUMBER

3713

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Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No. 09/638,771	Applicant(s) VASHI ET AL.	
	Examiner Kathleen M Christman	Art Unit 3713	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_\_.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-25 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 16-21 is/are allowed.
- 6) ☐ Claim(s) 1-3, 5, 8-15 and 21-25 is/are rejected.
- 7) ☒ Claim(s) 1, 4, 6 and 7 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 15 August 2000 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
     Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.  
     If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
     a) ☐ All    b) ☐ Some \*    c) ☐ None of:  
         1. ☐ Certified copies of the priority documents have been received.  
         2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
         3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
     \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☒ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).  
     a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                                  | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____  |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                         | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) <u>2</u> . | 6) <input type="checkbox"/> Other: _____                                    |

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## **DETAILED ACTION**

### ***Specification***

1. The abstract of the disclosure is objected to because it is too long. The abstract should not exceed 150 words contained in a single paragraph. Correction is required. See MPEP § 608.01(b).

### ***Claim Objections***

2. Claim 1 is objected to because of the following informalities: the claim fails to end in a period ("."). Appropriate correction is required.

### ***Claim Rejections - 35 USC § 112***

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claim 25 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The claim fails to include a transitional phrase marking the end of the preamble and the beginning of the claim body. The lack of such a phrase renders it unclear as to the intended metes and bounds of the claimed invention. Further it is not understood as to whether the applicant intended to claim the method or the apparatus. If intended to claim the apparatus, there are no structural elements. If intending to claim the method there is no procedure to approach or method step directed to the claimed invention.

### ***Claim Rejections - 35 USC § 102***

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

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(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

5. Claims 1-3, 5, 8, 9, and 15 are rejected under 35 U.S.C. 102(e) as being anticipated by Pellegrino et al (US 6149441). Pellegrino et al teaches a computer-based educational system including: an authoring program module accessible by a lesson designer to create a plurality of lessons (the lesson builder, Figure 1: 74); each lesson including one or more links to versatile resources (lesson material, col. 2: 48-49) for display or play in association with the lesson; each resource stored in memory and independently retrievable for display or play in association with multiple lessons (the media catalog, Figure 1: 62 and col. 8: 27-30); one or more runner program modules accessible by lesson takers for running the lessons (lesson deliverer, col. 2: 62-65); and a relational database accessible by the runner program modules and containing information for retrieving desired resources for display or play in association the lessons (the learning materials database), as in claims 1 and 15. See also col. 2: 46-54. Each lesson comprising a plurality of pages where each page comprises one or more controls defining visual and functional aspects of the page, links to resources, and script instructions defining lesson logic for implementing the page, as in claim 2, is taught at col. 9: 49-54, col. 9: 66 – col. 10: 2 and further at col. 10: 45-49. The authoring module comprising a plurality of menu driven commands that the lesson designer selectively activates to create the pages, add the controls to the pages, link the pages to the resources, and create the script instructions for rendering pages and implementing lesson logic, as in claim 3, is clearly visible in Figures 9-32, where script instructions correspond to at least "navigation elements". The resources being a sound file, or a video file, as in claim 5, are shown at col. 11: 16-17. Regarding claims 8 and 9, the features of these claims demonstrate the inherent nature of web-page functionality, which Richard et al teaches at col. 9: 20-61. The organization of the resources as in claim 14, is clearly shown in col. 11: 24-51.

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6. Claims 22-24 are rejected under 35 U.S.C. 102(e) as being anticipated by Remschel (US 6141528). Remschel teaches a computer-based training system in which: a lesson is divided into a plurality of tasks types (questions) each task type comprising similar tasks relating to a common skill (language); a user providing responses to prompts played or displayed as part of the lesson; and each task type configured to run in a training mode, as in claim 22 and shown at col. 5: 9-13 and col. 14: 7-19 of Remschel. Regarding claim 23, recording of the student responses during a lesson and subsequently playing back the student responses in connection with the lesson for evaluation purposes is taught in the section entitled "Student Tape Auto Compile" starting at col. 11: 48. Computing and storing a score based on the interactive student responses received during the lesson, as in claim 24, is taught as the "Response Analyzer" described at col. 12: 50+.

***Claim Rejections - 35 USC § 103***

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. Claims 10-13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Pellegrino et al (US 6149441) in view of Remschel (US 6141528). Pellegrino et al teaches all aspects of the invention as shown above, but fails to specifically teach: a user providing responses to prompts played or displayed as part of a lesson, and an evaluation score being computed based on the user's response (claim 10); the user responses being stored for subsequent playback (claim 11); the lesson progressing upon response to an audible response and a predetermined period of silence following the audible response (claim 12);

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and the lesson being divided into a plurality of task types, each task type comprising similar tasks relating to a common skill, and each task type configured to run in a training mode (claim 13).

Remschel teaches a computer-based training system in which: a lesson is divided into a plurality of tasks types (questions) each task type comprising similar tasks relating to a common skill (language); a user providing responses to prompts played or displayed as part of the lesson; and each task type configured to run in a training mode, as in claim 22 and shown at col. 5: 9-13 and col. 14: 7-19 of Remschel. Recording of the student responses during a lesson and subsequently playing back the student responses in connection with the lesson for evaluation purposes is taught in the section entitled "Student Tape Auto Compile" starting at col. 11: 48. Computing and storing a score based on the interactive student responses received during the lesson is taught as the "Response Analyzer" described at col. 12: 50+.

Pellegrino et al teaches at col. 18: 44-49 the ability for a teacher to add "assessment" options into the training program but fails to teach specific details of the format these assessments may take. Given this one of ordinary skill in the art would look to outside sources. As such it would be obvious to include the assessment functions of the Remschel reference into the Pellegrino et al invention so as to allow a teacher to monitor the progress of the user.

Further, it is noted that Remschel does not specifically teach that the system will progress the lesson upon a predetermined period of silence after receiving a response. It is the examiner's position that this functionality is old and well known in the art. It would be obvious to incorporate it into the above combination so as to ensure that the student has had the ability fully answer a question.

***Allowable Subject Matter***

9. Claims 16-21 are allowed.

10. The following is an examiner's statement of reasons for allowance: The prior art of record does not teach the specific combination of elements as claimed. In particular the prior art of record does not teach the use of both a lesson server connected and an audio server connected to a network, where a

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user accesses a port of the network via a student workstation and further access a port of the audio server via a telephone extension, such that upon access of the audio server an identification number is generated for the user. This identification is then inputted into the student workstation so as to associate the student workstation with the telephone extension. Although the prior art shows system where a user may call into a network system to receive the audio portions of a program (Sallette) or to verify their identity and receive technical support (Hoehn-Saric et al) neither of these systems teach the association as so particularly claimed.

11. Claims 4, 6, and 7 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

#### ***Conclusion***

12. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.
- a. Sallette (US 6155840)-teaches a training system in which the audio portion may be transmitted through a standard telephone
  - b. Hoehn-Saric et al (US 5915973) teaches a system where a user calls into a call center to verify identity
  - c. Darago et al (US 6170014 B1)
  - d. Kotick et al (US 6559867 B1) teaches a training system which includes requirement's for user responses, training and demonstration modules and teach oversight
  - e. Craig (US 6108687) teaches a system allowing a teacher to create training courses for on-line distribution
  - f. Bloom et al (US 5597312) teaches a network system that adapts to a user's response, which are given throughout the course a training program.
  - g. Walker et al (US 5947747) teaches a testing system where a user must call into a call center to retrieve test scores

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kathleen M Christman whose telephone number is (703) 308-6374. The examiner can normally be reached on M-F 7:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Teresa Walberg can be reached on (703) 308-1327. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-1148.



Kathleen Christman

  
Teresa Walberg  
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